

Remarks

Claims 1 through 20 are now pending.

The Rejection

The following U.S. patent publications have been relied upon to reject the Applicant's claims:

6,761,198 (formerly application SN 09/780,548)	Zanzig, et al (Zanzig)
5,672,639	Corvasce, et al (Corvasce)

The Applicant's original claims 1 through 20 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1 through 18 of co-pending Application No. 09/780,548, now U.S. Patent No. 6,761,198, in view of Corvasce.

It is assumed herein that the cited Corvasce reference is the above identified U.S. Patent No. 5,672,639.

A reconsideration of the rejection of the Applicant's claims is requested in view of the Terminal Disclaimer submitted herewith as well as comments herein.

Terminal Disclaimer

A Terminal Disclaimer is submitted herewith to obviate the judicially created doctrine of obviousness-type double patenting of the Applicant's claims in view of U.S. Patent No. 6,761,198 (formerly application SN 09/780,548).

Authorization is given to charge the fee for the Terminal Disclaimer in accordance with 37 C.F.R. Section 1.20(d) in the amount of \$110.00, or any other fees, to our deposit account No. 07-1725.

Discussion

It is important to appreciate that the invention of the Applicant's claims relates to a combination of both a tire structural aspect and a compositional aspect.

The structural aspect of the Applicant's claims relates to a combination of a lug and

groove configured tread taken with a lug and groove configured portion of the tire's sidewall adjacent to its tread.

The compositional aspect of the Applicant's claims relates to one rubber composition for the structural lug and groove configured tread and another rubber composition for the lug and groove configured sidewall portion.

While the structural tire lug and grooved tread and lug and grooved portion of the sidewall of the invention of the Applicant's claims is similar to the structural aspect of the cited Zanzig reference the rubber composition of the Applicant's lug and groove portion of the sidewall differs from the Zanzig reference in an important aspect.

In particular, the invention of the Applicant's claims require the inclusion of a starch/plasticizer composite in the lug and groove configured portion of the tire sidewall (exclusive of the lug and groove configured tread apart from said lug and groove configured portion of the sidewall).

In support of the starch/plasticizer inclusion, the Applicant's text of the specification on Page 4, Lines 33 and 34, and continuing on Page 5, Lines 1 and 2, it is mentioned that

“... the use of the said starch/plasticizer composite is designed to enhance the modulus, hysteresis of the cured rubber composition and the processability of the rubber composition in its uncured state.”

Discussion

Clearly, the cited Zanzig reference (which is the subject of the aforesaid submitted Terminal Disclaimer) does not teach or suggest any inclusion of any starch/plasticizer composite in the lug and groove portion of its sidewall. Accordingly, the Zanzig reference, by itself, is materially deficient and does not make out a prima facie case of obviousness of the invention of the Applicant's claims in a sense of 35 U.S.C. Section 103(a).

It is contended that the Corvasce references does not remedy the aforesaid material deficiency of the Zanzig reference.

The cited Corvasce reference itself is directed to use of a starch/plasticizer composite in a rubber composition of a component of a tire which may be used in combination with carbon black and/or silica reinforcement. However, Corvasce does not teach or suggest any tire structural feature requiring the presence of any lug and groove configured tire sidewall portion and certainly not any the use of any starch/plasticizer composite in a lug and groove configured portion of a tire sidewall.

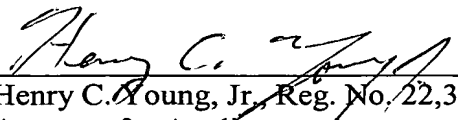
It is contended that the presence of the Corvasce reference, whether or not taken in view of the Zanzig reference, would not teach one to provide an inclusion of a starch/plasticizer composite in a lug and groove configured tire sidewall portion without a substantial hindsight taken in full view of the Applicant's own specification and claims and without a significant reconstruction of both the Zanzig and Corvasce references themselves.

Accordingly, it is contended that a rejection of the Applicant claims in view of a combination of the Zanzig reference (which is the subject of the Terminal Disclaimer submitted herewith) and the Corvasce reference does not make out a prima facie case of obviousness of the Applicant's claims in the sense of 35 U.S.C. Section 103(a).

Conclusion

It is contended that the Applicant are patentably distinct from the combination of the cited Zanzig (the subject of the aforesaid Terminal Disclaimer submitted herewith) and Corvasce patent references.

Respectfully submitted,


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